THE HON'BLE SRI JUSTICE A.GOPAL REDDY

-

WRIT PETITION No.27323 of 1995

DATED: 17-03-2006

Between:

P.Venkata Rao and others . . .Petitioners

And

Govt. of AP and others . . .Respondents

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

–

WRIT PETITION No.27323 of 1995

–

O R D E R:

The petitioners, who claim to be the lessees of land belonging to Sri Venugopalaswamy Temple of Kesanakurru Village of Polavaram Mandal, East Godavari District, filed the present writ petition questioning the declaration issued by the District Collector, East Godavari, in proceedings *vide* No.12068/94, dated 18-11-1995, under Section 6 of the Land Acquisition Act (for short 'the Act') and all other subsequent proceedings, on the premise that the declaration issued under Section 6 of the Act has not been preceded by a notification under Section 4(1) of the Act, and for quashing of the same.

Thereafter, the petitioners filed WPMP.No.13264 of 2000 for amendment of the prayer i.e. to declare the notification issued by the District Collector, East Godavari, under Section 4(1) of the Act, dated 03-11-1995, and the declaration issued in proceedings, dated 18-11-1995, and all other subsequent proceedings for acquisition of the land, as illegal and void.

On ordering the said WPMP, the learned counsel for the petitioners has not amended the prayer within the time specified under Order VI Rule 17 CPC nor issued any notice to the respondents with regard to such amendment.

The Revenue Divisional Officer, Amalapuram, filed a counter affidavit on behalf of respondents 1 to 4, stating that in the light of the guidelines mentioned in

G.O.Ms.No.456, dated 29-09-1995, to acquire the endowment land, a notification under Section 4(1) of the Act and Draft Declaration under Section 6 of the Act were submitted to the District Collector. On approval of the same, the draft notification in this case was published in the Gazette on
06-11-1995 and in two local newspapers on 20-11-1995. Since the enquiry under Section 5-A of the Act was dispensed with, Draft Declaration under Section 6 of the Act was approved on
18-11-1995 and the same was also published in daily newspapers apart from local publication. On issuance of notice under Section 9(1) of the Act, possession was taken. Further, the petitioners are owning agricultural lands apart from the lands, which were taken on lease. They are not small farmers and they are financially sound. Possession was taken much prior to the interim orders passed by this Court and after completion of all formalities under the Land Acquisition Act.

Sri Venugopalaswamy Temple is the original owner of the property. It has not been impleaded as a party to this petition. Since the said temple has given consent for such acquisition of the land, the petitioners cannot have any grievance. If they have any interest to receive compensation, it is always open for them to participate in the award enquiry and claim compensation.

With the above observation, the writ petition is dismissed. There shall be no order as to costs.

_____

(A.GOPAL REDDY, J)

17th MARCH, 2006.

kvni